

This is a Comment on the Petition for Rulemaking To Establish A Low Power AM Radio Service, RM-11287, filed by Donald Shellhardt for himself and The Amherst Alliance, The Michigan Music Is World Class! Campaign, The LPAM Network, and Nickolaus E. Leggett N3NL, hereinafter "the Five Petitioners" and a similar Petition, RM-10801, filed by Fred Baumgartner, CPBE, and incorporated by extensive reference into RM-11287, hereinafter "Baumgartner". RM-11287 was announced in Public Notice Report No. 2735 dated October 21, 2005.

About 15 years ago I filed comments in the original Expanded Band proceeding urging the Commission to use the new AM spectrum for local stations. It was evident for decades that the Commission erred in its circa-1940 refarming of the then-Standard Broadcast Band by failing to provide enough Local (Class IV then, Class C now) channels. Hundreds of complex directional antennas were used to shoehorn 500-watt and kilowatt stations into the then-Regional Channels for a "service" to the city of license which would have been better provided by a simple non-directional Class IV. The Commission incorrectly chose to populate the 1610-1700 kHz. Expanded Band with one-size-fits all "Model I" (FCC Rules, 73.14) facilities. These facilities would only be available to existing AM stations, and very few of them were granted prior to the freeze (DA 02-239, February 1, 2002). This was only the latest in many deliberate "birth control" measures which have been put into the Rules over the years to suppress the construction of new AM stations, particularly to serve smaller communities. (A neighborhood of a big city can be considered a small community.) Examples would be the antenna efficiency rule, the 1990s tightening of the co-channel and adjacent-channel interference rules, the prohibitions of Class C stations on Class B channels, and the prohibition of new daytime AM Class D stations. In fact, the prohibition of any overlap whatsoever, no waivers, between the 25-microvolt and half-millivolt contours, of a new proposal and existing station, make it virtually impossible for a small community to have its own new AM station, unless the community is in American Samoa. The auction process excludes small communities from new allotments, unless the wealthy bidder's plan is actually to operate as a "rimshot" to a nearby big city.

One can only remember with sad nostalgia the language in the Commission's 1948 decision allocating the present FM Broadcast Band, providing Class A channels so that "smaller communities may have a local medium of

self-expression." The term "rimshot" had not been invented, because the "suburban rule" would operate to ensure some actual service to the city of license and contiguous area. Now the auction process has assured that the FM channel assigned to Heyworth, Illinois, could be auctioned for multiple millions of dollars and become a Bloomington, Illinois, station, de facto, among many, many other examples, e.g. <http://www.wczq.piatt.com> and, worse, BMAP-20010719AAN in which Clear Channel Broadcasting Licenses, Inc., sought and obtained Commission approval to move an expand-band station hundreds of miles, from one end of Illinois to the other, from small Johnson City to Chicago. Exhibit 11 to that application could be read as a lampoon of Commission procedure, especially the contention that Berwyn, the city of license, is a separate advertising market from Chicago, while not mentioning the Chicago Tribune or Sun-Times daily newspapers or Chicago radio and TV stations. Unfortunately for Johnson City's chance at an expanded-band station, the Commission took the application seriously and granted it. Thus smaller communities who have had their Class A FM hometown station taken away to become a mega-corporate absentee-owner rimshot, or their possible expanded-band station moved to Chicago, have no hope of their very own real hometown station, in the present regulatory climate, absent a Commission epiphany about genuinely fair, efficient, and equitable distribution of radio facilities. This LPAM proposal is the best opportunity since 1940 for such an epiphany.

Both Baumgartner and the Five Petitioners are correct in stating that an LPAM service must be commercial. The memorial WCZQ site above has a back door to the rest of the original site <http://wczq.piatt.com/folks.htm> which provides many examples of what I like to call "home-town radio". Having worked 25 years of my life owning and/or managing Illinois small-town radio stations, I can attest from extensive personal experience that such operation will help a small community develop its sense of identity while helping the local businesses compete against the "big-box" stores. It is for this reason that I must disagree with the Five Petitioners proposal for multiple ownership and lack-of-showing of community involvement. It is illogical for the Five Petitioners to contend that mega-corporate absentee-owners are bad, and then seek a limit of 16 stations and no local connections for a prospective applicant for the proposed LPAM service. There are plenty of radio gypsies already. Baumgartner is correct here: one to a customer, period, and no connection with any other attributable broadcast ownership, as the Commission uses the

term. Baumgartner is wrong in his staffing requirements, as it is not economically achievable in the present small-market media sales environment. However, the requirement that at least 75% of the programming be locally originated is valid as insurance that the proposed LPAM station will, indeed, be local.

It is surprising that the Five Petitioners failed to recognize the genius of Baumgartner's antenna proposal, in view of the ease with which the mega-corporate absentee-owners managed to eviscerate the Five Petitioners' LPFM proposal with the "third-adjacent" ploy. A 30-watt proposal will not provide very much useful service, for all the reasons the then-Class IV stations gave the Commission for their four-fold blanket power increases from 250 watts to one kilowatt. Although the "pseudo-Brewster effect" never made it from Terman (Radio Engineers' Handbook, Frederick E. Terman, McGraw-Hill, 1943. page 708) to the FCC AM Rules, it has been mathematically modeled at 1800 kHz. by Develdore (DX-ing On The Low Bands, American Radio Relay League). Develdore shows substantial "suck-in" of radiation from a vertical antenna, at vertical radiation angles below thirty degrees above the horizon, over urban terrain, with short antennas and radials. Baumgartner's proposal of a standard INEFFICIENT antenna combined with a standard 100 or 250-watt transmitter is ingenious and will simplify the allocation process considerably, reducing zoning hassles and construction costs, as well. There is no need for capacitive top loading, as the Five Petitioners propose, if the Commission sees the wisdom of Baumgartner's standard antenna and ground system. The ultimate allocation Rule for LPAM should permit substantially more interference to RECEIVED by a new proposal than the present AM Rules provide. Type acceptance proposed by Baumgartner is unnecessary, as it has apparently been removed from the Rules for AM and FM transmitters other than LPFM. Component aging, mis-tuning, and poor manufacturer quality control are not covered by type acceptance. However, the required occupied bandwidth annual measurement for AM stations does provide the needed monitoring. These measurements run about \$300-\$400 each in central Illinois and should be required of the LPAM stations proposed. There is no need to extensively re-write the existing AM Rules for a new LPAM service, including the complete EAS requirement. Certainly a truly community-oriented station would work diligently to be the first source of emergency information, as WCZQ was in the October, 2001, tornado in Monticello, Illinois. The 250-watt (Model III?) allocation would go to

non-metro areas, and the 100-watt (Model IV?) would go to metro applicants. The LPAM applicants should be permitted to amend their applications after closing of the filing window to eliminate interference, either with time-sharing or choice of another available frequency, to create as many "singleton" applications as possible, so they can be granted without resorting to the auction process. Otherwise, they must be auctioned, or the litigation, from existing auction winners, and "buy a frequency" proponents, will tie up the pending grants in court until the LPAM applicant runs out of money.

Utilizing the Expanded Band for real home-town locally-owned and managed radio stations (integration of ownership and management... remember that???) will benefit the public interest in the United States far better than letting the mega-corporate absentee-owners abuse the existing one-size-fits-all Expanded Band allocation policy, to put yet another voice-tracked cookie-cutter-formatted facility in spectrum already overcrowded with voice-tracked cookie cutters, or using their mega-millions to buy most every new FM allocation the Commission makes, in order to do yet another rimshot.

Respectfully Submitted,

Frederick W. Seibold, W9FWS

First-Class Radiotelephone, by examination, back when there was one